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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,104	02/16/2001	Joseph Fjelstad	TESSERA 3.0-188 DIV	7265
530	7590	02/17/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			QUINTO, KEVIN V	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/785,104	FJELSTAD, JOSEPH
Examiner	Art Unit	
Kevin Quinto	2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-12, 14, 15, 17 and 18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 10, 11, 17 and 18 is/are allowed.

6) Claim(s) 12, 14 and 15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed October 22, 2003, with respect to claims 10, 11, 17, and 18 have been fully considered and are persuasive. The rejection of claims 10 and 11 has been withdrawn.
2. The indicated allowability of claims 12, 14, and 15 is withdrawn in view of the newly discovered reference(s) to Eldridge et al. (USPN 6,482,013 B2). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldridge et al. (USPN 6,482,013 B2).
5. In reference to claim 12, Eldridge et al. (USPN 6,482,013 B2, hereinafter referred to as the "Eldridge" reference) discloses a similar device. Figures 4A and 4C of Eldridge each discloses a microelectronic element with a body (408) defining a front

surface and including at least one semiconductor chip with pads exposed at the front surface. Eldridge makes it clear that the body can be a semiconductor chip with active devices (column 12, lines 61-64). The flexible leads have pad ends and tip ends. The pad ends of the flexible leads are connected to the pads (406). The tip ends of at least some of the flexible leads project over the front surface of the body (408) and are also independently movable with respect to the body (408). These flexible leads are spaced apart from the front surface. Each of the flexible leads includes an elongated strip-like main region having substantially flat main surfaces. A first main surface of each of the flexible leads faces toward the body while a second main surface of each of the flexible leads faces away from the body. Each elongate strip-like main region of the flexible leads has a first portion comprising of the tip end. This first portion is spaced apart from the front surface by a first distance. Each elongate strip-like main region of the flexible leads has a second portion comprising of the pad end. This second portion is spaced apart from the front surface by a second distance. The first distance is greater than the second distance.

6. With regard to claims 14 and 15, figures 4A and 4C show that the pad ends of the leads are in a peripheral region of the substrate while the tip ends inwardly extend over a central region of the substrate. Eldridge makes it clear that the body or substrate can be a semiconductor chip on a wafer (column 12, lines 61-64). It is understood that the wafer includes a plurality of chips.

Allowable Subject Matter

7. Claims 10, 11, 17, and 18 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests a wafer probe card structure which utilizes flexible or bendable leads which are bent in a plane parallel to the wafer probe card surface upon which the leads are mounted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KVQ



NATHAN J. FLYNN
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